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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,319	05/16/2006	Karci Krizanovic	1382.021USU	6554
27623	7590	11/27/2007		
OHLANDT, GREELEY, RUGGIERO & PERLE, LLP ONE LANDMARK SQUARE, 10TH FLOOR STAMFORD, CT 06901			EXAMINER YOUNG, SHAWQULA	
			ART UNIT 1626	PAPER NUMBER
			MAIL DATE 11/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,319	Applicant(s) KRIZANOVIC ET AL.	
	Examiner Shawquia Young	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9 are currently pending in the instant application.

I. *Response to Arguments*

Applicant's arguments, filed September 13, 2007 with respect to the rejection of claims 1-9 under 35 USC 103 as being unpatentable over Alicot, et al. (US 4, 371, 698) and the objection to the abstract for being too long have been fully considered and are partially persuasive. The objection to the abstract has been withdrawn.

Applicants traverse the rejection of claims 1-9 under 35 USC 103 as being unpatentable over Alicot, et al. (4,371,698) because the Alicot reference deals literally only with purification of 2-mercaptobenzthiazole (2-MBT) in aniline, this being only the final part of the whole preparation method. Applicants argue that the difference between the Alicot reference and the instant application is generally step 3. Applicants argue that in the Alicot reference, the step after filtration and washing is regeneration (thickening of filtrates from the crystallization) contrary to the instant application wherein the step after filtration and washing is recycling the filtrates to various places of the technology so that the necessity of regeneration of the filtrates by thickening is eliminated. Applicants further state that there is no mention in the Alicot, et al. reference of any direct recycling of used filtrates in to a synthesis reactor for 2-MBT production and according to the reference nothing returns to the synthesis reactor.

As mentioned above, Applicants argue that in the Alicot, et al. reference that the liquid phase from the purification is introduced into a reactor, but into the reactor destined for purification, not into the reactor for synthesis of the raw product. The

Examiner wants to point out that the reference does discuss a portion of the filtrate optionally being recycled in the synthesis reactor in the last line of the example in column 5. In stage 3 of the Alicot, et al reference (column 3), the recycling of the liquid phases is carried out after aniline is distilled and at the end of the example it discusses "the undistillable part is either eliminated or recycled wholly or in part in the synthesis reactor. Applicants argue that the Alicot, et al. reference uses distillation during the purification process and the instant application does not use distillation during their purification process. However, Applicants' claims use the language "includes the following steps" which can be considered open-ended language and encompasses further steps that are not stated in claim 1. According to the Examiner the difference between the instant application and the Alicot, et al. reference is that the instant application involves dividing the liquid phase into three parts whereas the Alicot, et al. does not divide the liquid phase into parts. As mentioned in the previous Office Action, according to *In re Dilnot*, it was well established that batch and continuous processes are not patentably distinct. Therefore, the rejection of claims 1-9 under 35 USC 103 as being unpatentable over US 4,371,698 is maintained.

II. *Rejection(s)*

Claim Rejections - 35 USC § 112, 2nd paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being

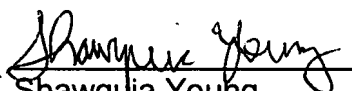
indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, step g) contains the phrase "a part of the liquid phase (F_{k3}) from step e)" but the liquid phase (F_{k3}) is not mentioned until step f). Appropriate correction is required.


III Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawquia Young whose telephone number is 571-272-9043. The examiner can normally be reached on 6:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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